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By ECF

January 30, 2024

Hon. Jennifer L. Rochon
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, NY 10007

Re: *Modell v. Argonaut Ins. Co., et al.*; No. 23-cv-01488-JLR (S.D.N.Y.)

Dear Judge Rochon:

Anderson Kill P.C represents Defendant Eric Spiel in the above-referenced matter. We write pursuant to the Court's Individual Rule 1.F. to respectfully request an adjournment of no less than four (4) weeks for the oral argument currently set for 9 a.m. on Friday, February 2, 2024, on the Defendants' pending motion(s) to dismiss Plaintiff's Complaint (Dkt. Nos. 19, 24).¹ Co-defendant Argonaut Insurance Company has no objection to this request. This is the first request for an adjournment of oral argument on the pending motions.

The Trustee and the defendants to the underlying bankruptcy and adversary proceedings currently pending in the United States Bankruptcy Court, District of New Jersey, which include Mr. Spiel and Plaintiff Mitchell Modell, are presently involved in meaningful, ongoing settlement discussions. It is Mr. Spiel's belief that settlement of those underlying matters, if achieved, will materially impact the pending motions and may provide additional grounds for dismissal of the above-referenced action.

Plaintiff Mitchell Modell has not consented to this request for an adjournment because Argonaut is not a party to the underlying Bankruptcy proceedings or the ongoing settlement discussions.

Mr. Spiel thanks the Court for its consideration.

¹ The Defendants' motions to strike (Dkts. 19 and 20) are also pending. The Court's January 27, 2024 Order (Dkt. 43) setting oral argument did not specifically name those motions, but the request for an adjournment applies to those motions as well.

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Respectfully submitted,




Ethan W. Middlebrooks

cc: All Counsel of Record

The Court **DENIES** the request to adjourn the oral argument. The Clerk of Court is respectfully directed to close the motion pending at ECF No. 44.

Dated: January 30, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge